

UNITED STATES DISTRICT COURT  
for the  
EASTERN DISTRICT OF NORTH CAROLINA  
Western Division

**U.S.A. vs. Vernon Kearney**

**Docket No. 5:04-CR-30-1BO**

**Petition for Action on Supervised Release**

COMES NOW Arthur B Campbell, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of, Vernon Kearney, who, upon an earlier plea of guilty to Distribution of More Than 5 Grams of Cocaine Base (Crack), in violation of 21 U.S.C. 841(a)(1), was sentenced by the Honorable Terrence W. Boyle, U.S. District Judge on September 17, 2004, to the custody of the Bureau of Prisons for a term of 120 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 96 months.

Vernon Kearney was released from custody on November 9, 2012, at which time the term of supervised release commenced.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:**

On June 5, 2015 the defendant was arrested and charged with Driving While Impaired, Failure to Secure a Passenger Under 16 (15CR51674) and having an Expired Registration/Tag (15CR702235). The defendant also received 2 citations, Expired/No Inspection and Possession of an Open Container/Consumption of Alcohol in a Passenger Area (15IF700975); all charges are in Vance County, North Carolina. These charges are pending. The probation office respectfully recommends continuing the defendant on supervision and allowing the case to resolve itself in the state court system. As a sanction for this noncompliance and the fact that he failed to notify his officer within 72 hours of new law enforcement contact, the probation officer recommends that the conditions of supervision be modified to include 50 hours of community service. Furthermore the defendant will be required to obtain an alcohol assessment and has instructed to follow any treatment recommendation outlined in the assessment.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

**PRAYING THAT THE COURT WILL ORDER** that supervised release be modified as follows:

1. The defendant shall perform 50 hours of community service as directed by the probation office and if referred for placement and monitoring by the State of North Carolina, pay the required fee.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

/s/ Michael C Brittain

Michael C Brittain

Senior U.S. Probation Officer

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Arthur B Campbell

Arthur B Campbell

U.S. Probation Officer

310 New Bern Avenue Room 610

Raleigh, NC 27601-1441

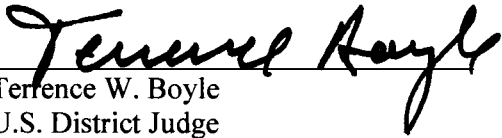
Phone: 919-861-8677

Executed On: July 2, 2015

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ORDER OF THE COURT

Considered and ordered this 6 day of July, 2015 and ordered filed and made a part of the records in the above case.

  
Terrence W. Boyle  
U.S. District Judge